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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,360	12/06/2005	Anke Gerda Sinnema	NL 030664	5647
24737 7590 10/07/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
DENTER, CLARK F				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
10/07/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/559,360

Applicant(s)

SINEMA ET AL.

Examiner

Clark F. Dexter

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 13 and 23-38 is/are pending in the application.
- 4a) Of the above claim(s) 23-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-083)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Notice of Informal Patent Application
- 7) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 3, 2008 has been entered.

Drawings

2. The drawings were received on July 3, 2008. These drawings are acceptable-in-part as follows:

the replacement page for Figure 4 is acceptable;

the replacement pages for Figures 9-12 remain considered to be new matter and are NOT acceptable.

3. The drawings are objected to because of the following informalities:

New Figures 9-12 remain considered to be new matter and should be canceled.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings stand objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least one spiral-shaped ridge (claim 4), the at least one star-shaped ridge (claim 4), the at least one flower-shaped ridge (claim 4), and a pattern of dimples (claim 5) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application as described above.

Abstract

5. The abstract of the disclosure is objected to because of the following informalities: In line 3, it seems that "and" should be deleted for clarity.

Correction is required. See MPEP § 608.01(b).

Specification

6. The amendment filed December 17, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The new paragraphs added after page 2, line 32 and found on page 2 of the subject amendment; and

The replacement paragraph for the paragraph beginning at page 4, line 19 of the specification and found on page 3 of the subject amendment.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

7. Claims 1-5 and 13 are objected to because of the following informalities:
In claim 1, line 5, a word such as "or" or "and" is missing before "a water-soluble".
Non-elected claim 36 is objected to because it depends from canceled claim 17.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-3 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Visman et al., Pub. No. 2003/0019107 (hereafter Visman '107).

Regarding claims 1-3, Visman '107 discloses a shaving apparatus with every structural limitation of the claimed invention including:

a skin contact surface (e.g., the upper surfaces of holder 2 as viewed in Fig. 1) accommodating at least one cutting unit (e.g., 3) that comprises an external cutting member (e.g., 4), a matching internal cutting member (e.g., 6, 7), and a device for providing a shaving aid additive to said skin contacting surface, characterized by shaving aid additive retaining means (e.g., the component shown directly below numerals 11, 12 as viewed in Fig. 2) provided on at least part of said skin contact surface, wherein the shaving aid additive is one of a liquid, a gel, a foam, a cream, a water-soluble hard material;

[claim 2] wherein said at least one cutting unit is of the rotary type comprising an external annular cutting member, and wherein first shaving aid additive retaining means are provided on the skin contact surface enclosed by the external cutting member of the at least one cutting unit (e.g., as viewed in Fig. 2);

[claim 3 (from 2)] wherein the first shaving aid additive retaining means comprise at least one ridge extending around the center of the skin contact surface enclosed by the annular cutting member of the at least one cutting unit (e.g., as shown in Fig. 2).

Regarding claim 13, Visman '107 discloses a cutting unit of the rotary type, said cutting unit having an external annular cutting member (e.g., 4) and a skin contact surface (e.g., the surface directly below numerals 11, 12 as viewed in Fig. 2) enclosed by the external contact member, wherein said enclosed skin contact surface is provided with shaving aid additive retaining means (e.g., the concentric ridge shown in Fig. 2).

10. Claims 1-5 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Geertsma et al., Pub. No. 2002/0083591 (hereafter Geertsma '591).

Regarding claims 1-5, Geertsma '591 discloses a shaving apparatus with every structural limitation of the claimed invention including:

a skin contact surface (e.g., the upper surfaces of holder 2 as viewed in Fig. 1) accommodating at least one cutting unit (e.g., 3) that comprises an external cutting member (e.g., 4), a matching internal cutting member (e.g., 6, 7), and a device for providing a shaving aid additive to said skin contacting surface, characterized by shaving aid additive retaining means (e.g., 9, 10) provided on at least part of said skin contact surface, wherein the shaving aid additive is one of a liquid, a gel, a foam, a cream, a water-soluble hard material;

[claim 2] wherein said at least one cutting unit is of the rotary type comprising an external annular cutting member, and wherein first shaving aid additive retaining means are provided on the skin contact surface enclosed by the external cutting member of the at least one cutting unit (e.g., as viewed in Fig. 2);

[claim 3 (from 2)] wherein the first shaving aid additive retaining means comprise at least one ridge extending around the center of the skin contact surface enclosed by the annular cutting member of the at least one cutting unit (e.g., as shown in Fig. 2);

[claim 4 (from 3)] wherein said at least one ridge comprises at least one of the following configurations:

- a) a number of concentric ridges,
- b) a spiral-shaped pattern of ridges,
- c) a star-shaped pattern of ridges,
- d) a flower-shaped pattern of ridges (e.g., feature 9 with features 10 are considered to broadly meet at least items c and/or d);

[claim 5 (from 2)] wherein the first shaving aid additive retaining means (e.g., 9, 10) include a pattern of dimples (e.g., 10) in at least part of the skin contact surface.

Regarding claim 13, Geertsma '591 discloses a cutting unit of the rotary type, said cutting unit having an external annular cutting member (e.g., 4) and a skin contact surface (e.g., the surface of 9, 10) enclosed by the external contact member, wherein said enclosed skin contact surface is provided with shaving aid additive retaining means (e.g., the concentric ridge of 9 shown in Fig. 2 and/or features 10).

Response to Arguments

11. Applicant's arguments filed July 3, 2008 have been fully considered but they are not persuasive.

In the paragraph bridging pages 9-10 of the subject response, applicant argues that the drawings objection should be withdrawn because the patterns are disclosed in the original specification. However, it is respectfully submitted that the original disclosure only includes a name or brief description of the patterns and does not fully disclose sufficient details of the patterns to only arrive at those very specific patterns submitted in the proposed drawings.

Regarding applicant's arguments directed to the prior art rejections, the Examiner respectfully disagrees with applicant's analysis. Applicant primarily directs arguments to the limitation "shaving aid" and suggests that the Examiner is misinterpreting this limitation. However, it is respectfully submitted that in the present claims, a shaving aid per se is not positively set forth as part of the claimed invention and therefor is not required to meet the claims.

It is respectfully emphasized that the Examiner's position is not that the prior art is used in the same manner as the disclosed invention, but rather that the prior art teaches and/or suggests all of the structure of the claimed invention.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cf
September 30, 2008